

## Joint Public Notice

### Application for a Department of the Army Permit Department of Ecology Certification Coastal Zone Consistency Determination



WS Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-6911
Attn: Sandra Manning, Project Manager

Washington Department of Ecology SEA Program 300 Desmond Drive Southeast Olympia, WA 98503-7600 Telephone (360) 407-7298 Attn: Penny Kelley, Permit Manager

Public Notice Date: December 03, 2008 Expiration Date: January 03, 2008

Reference: NWS-2008-1445-SOD Name: WA St Dept. of Transportation

I-5 HOV Lanes at Tacoma

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws. Pursuant to the requirements of Section 307 (c) of the Federal Coastal Zone Management Act (16 U.S.C. 1451) Ecology will also be reviewing the project to determine if the project is consistent with Washington State Coastal Zone Management Program. If the permit is granted, it will be good for a period of 5 years.

APPLICANT:

Washington State Dept. of Transportation

P.O. Box 47376

Olympia, Washington 98504-7440

ATTN: Carrie Berry

Phone: (360) 709-8147, e-mail: berryc@wsdot.wa.gov

LOCATION: In wetlands, jurisdictional ditches, Wapato Creek, Hylebos Creek, West Hylebos Creek, and the Surprise Lake Tributary along Interstate 5 (I-5) between the King County Line and the Port of Tacoma Interchange at City of Fife, City of Milton and Pierce County, Washington.

PROJECT DESCRIPTION – WORK: The Washington State Dept. of Transportation (WSDOT) proposes to add a High Occupancy Vehicle (HOV) lane along a 3.89-mile stretch of I-5 from the King/Pierce County line near Milton to the Port of Tacoma Road interchange at the City of Fife. This is phase 2 of a multi-phased project that will add HOV lanes along I-5 and State Route (SR) 16 and construct interchange improvements at I-705. Phase 1 is currently under construction and includes HOV lanes along SR 16 and interchange improvements from SR 16 onto I-5. The remaining phases are currently waiting funding, and are proposed to include HOV lanes from the Port of Tacoma Road in the City of Fife through the City of Tacoma to the I-5/SR 16 HOV connectors.

The proposed phase 2 project includes: widening I-5 to add HOV lanes in both directions; improving the 54<sup>th</sup> Avenue East interchange to include ramp metering and a HOV bypass lanes; widening bridges at Wapato, Hylebos, and West Hylebos Creeks; extending culverts; constructing stormwater treatment facilities, noise walls, and retaining walls; and enhancing a floodplain wetland as floodplain mitigation for the project.

Fill would be placed in 0.33 acre of jurisdictional ditches located along I-5. Fill would be permanently placed in

3.01 acres of Category III and IV wetlands and temporarily placed in 1.37 acres of wetlands. Impacts to

wetland buffers would total 0.87 acre. The wetlands that would be impacted are located in the median of I-5 or directly adjacent to the existing highway, and consist of degraded meadow/grasslands, or emergent and maintained highway ditched wetlands. A minor amount of fill would be placed for installation of 6 piles into Hylebos Creek and 11 piles into West Hylebos Creek (19 square feet). Approximately 1.0 acre of stream buffer would be permanently impacted and 1.93 acres of buffer along Surprise Lake Creek and West Hylebos Creek would be temporarily impacted.

<u>PURPOSE</u>: The purpose of the project is to improve mobility, reduce congestion, and improve safety and efficiency for freight and vehicles.

ADDITIONAL INFORMATION: Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <a href="http://www.nws.usace.army.mil/">http://www.nws.usace.army.mil/</a> and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select the listing for this project by clicking on the blue file number, NWS-2008-1445-SOD.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), (collectively, the Services), pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Federal Highway Administration (FHWA), as the lead agency for ESA consultation, will consult with the Services. FHWA has made a determination that the project "may effect, likely to adversely affect" on listed species, and "may effect, but is not likely to adversely affect" the critical habitat for those species. FHWA is consulting with the Services.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH for Pacific salmon.

The FHWA, as the lead agency for a determination regarding EFH, is consulting with the NMFS. The FHWA has determined the project will have an adverse effect on EFH for Pacific salmon.

<u>CULTURAL RESOURCES</u>: The FHWA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

MITIGATION: Impacts to wetlands and streams were avoided through project alignment (locating new lanes in the median wherever possible) and minimized with retaining walls. To compensate for the loss of 3.01 acres of unavoidable wetland impacts, WSDOT is proposing to use the Spring Valley Advance Mitigation Site in King County located on West Hylebos Creek, just south of the City of Federal Way and near the impact site. The wetland areas being impacted by this proposal perform functions including food chain support and nutrient cycling, habitat, floodwater storage and conveyance, erosion and shoreline stabilization near the streams, and water quality improvement. Impacts to water quality improvement and hydrologic functions would be fully mitigated on-site through construction of stormwater treatment and flow control facilities. The Spring Valley advanced mitigation site, which has already been constructed, provides water quality

improvement, fish and wildlife habitat, nutrient cycling, augmentation of low summer flows through floodwater storage, and food chain support for West Hylebos Creek and the Hylebos Watershed.

<u>PUBLIC HEARING</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u> – <u>CORPS</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by Ecology to determine whether to issue, modify, condition or deny approval for the work. Ecology will review the project for a Water Quality Certification (WQC), pursuant to the requirement of Section 401 of the CWA, to determine if the project will comply with Sections 301, 302, 303, 306 and 307 of the Act, and complies with applicable provisions of State water pollution control laws, and for consistency with the Coastal Zone Management Act and the enforceable policies of that Act. A water quality modification is also being considered for this project for potential temporary turbidity exceedances during construction.

ADDITIONAL EVALUATION: This project will be reviewed for compliance with the Critical area ordinances, floodplain management and Shoreline Permit requirements from Thurston County. A Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife will also be required.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown at the end of this notice. Both conventional mail or e-mail comments must include the permit applicant's name and reference number and the commenter's name and address (e-

#### NWS-2008-1445-SOD

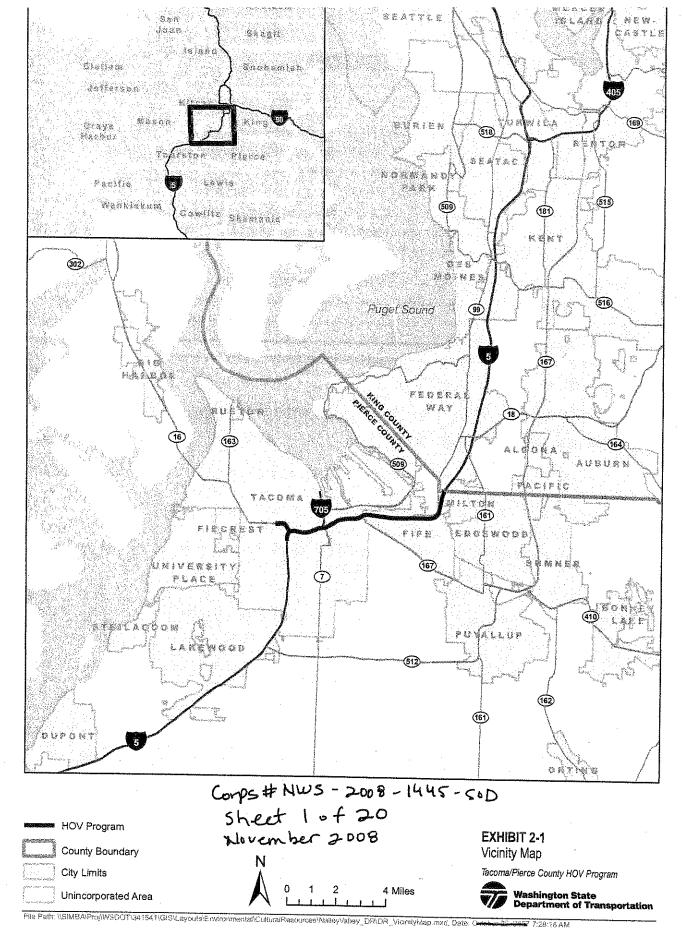
mail or street), and should also list a phone number. All comments whether conventional mail or e-mail must reach the appropriate office no later than the expiration date of this public notice to ensure full consideration.

CORPS COMMENTS: All e-mail comments should be sent to Sandra.L.Manning@.usace.army.mil Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Sandra Manning, Post Office Box 3755, Seattle, Washington, 98124-3755.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: Department of Ecology, Attn: Penny Kelley, 300 Desmond Drive Southeast, Olympia, Washington, 98503-7600, or e-mail to pkel461@ecy.wa.gov

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Washington State Dept. of Transportation, I-5 Tacoma HOV lanes, NWS-2008-1445-SOD.

Encl: Figures (20)



## 2. Project Description

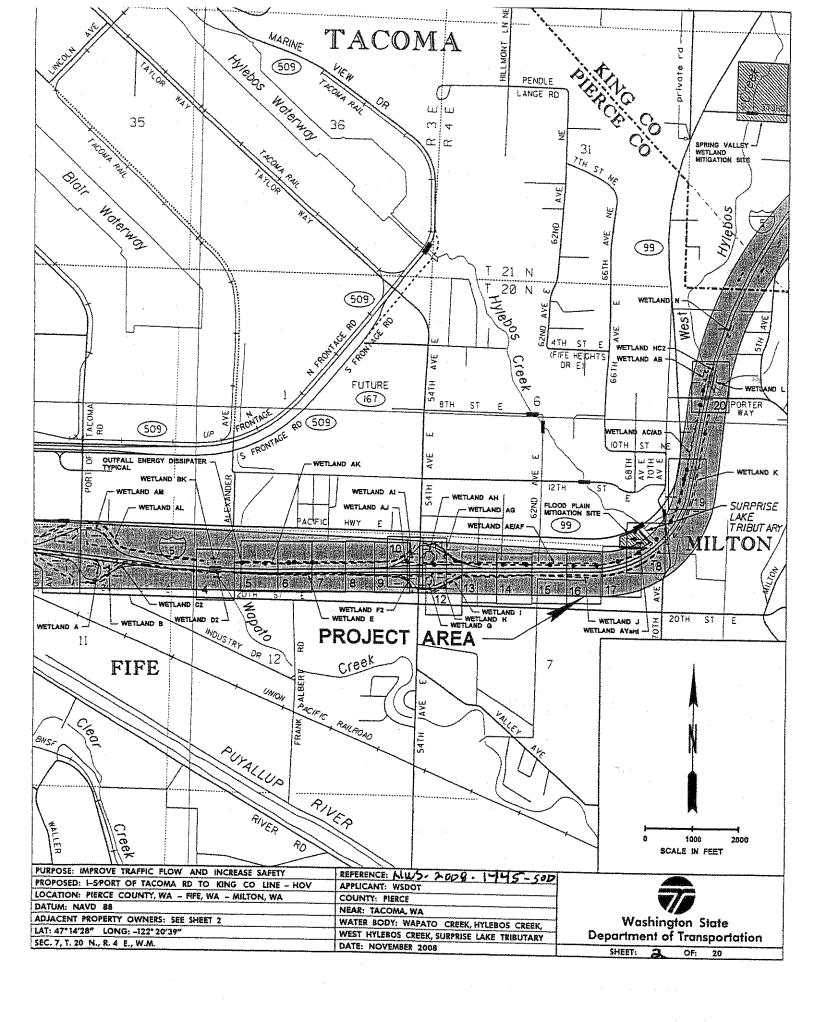
WSDOT, in cooperation with the Federal Highway Administration (FHWA), is developing a solution to an identified transportation need for high-occupancy vehicle (HOV) lanes in Pierce County, Washington. Preliminary engineering on the Tacoma/Pierce County HOV Program (HOV Program) has been completed, and construction has begun on a 79-mile system of HOV lanes along Interstate 5 (I-5), Interstate 705 (I-705), and State Route 16 (SR 16) (Exhibit 2-1).

The first stage of the HOV Program has already been completed and is currently under construction. Construction associated with the first stage began in 2000 and is estimated for completion in 2008. The second stage of the HOV Program is currently funded and planning and development is under way. The remaining projects in the HOV Program are currently waiting funding.

# 2.1 Second Stage of the Tacoma/Pierce County HOV Program

The projects included in the second stage of the Tacoma/Pierce County HOV Program extend approximately 8.66 miles, from the Pierce–King County line southward along I-5 through a section of Pierce County and the cities of Fife, Milton, and Tacoma, to and including the I-5/SR 16 interchange (milepost [MP] 131.19 to MP 139.85). Exhibit 2-2 shows the approximate extent of the projects proposed for construction during the second stage of the HOV Program.

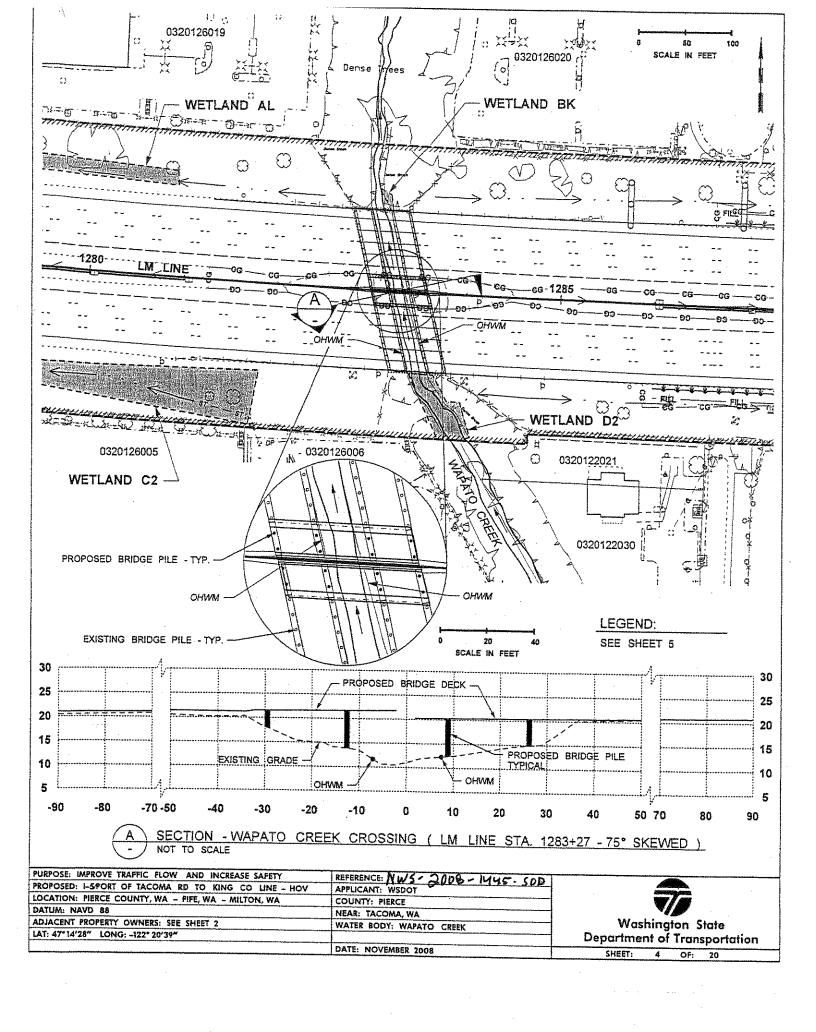
Implementation of the second stage of the HOV Program would result in the addition of HOV lanes on I-5. Operations on I-5 and various I-5 interchanges would be improved by the construction of auxiliary lanes and the reconstruction of many of the interchanges. The construction of auxiliary lanes would provide roadway adjoining the traveled way for parking, speed change, turning, storage for turning, weaving, truck climbing, passing, and other purposes supplementary to through traffic movement; these functions do not increase roadway capacity but, rather, improve the movement of traffic. The improvements associated with the second stage of the HOV Program would accommodate existing and predicted future traffic volumes and increase safety at existing high-accident locations.

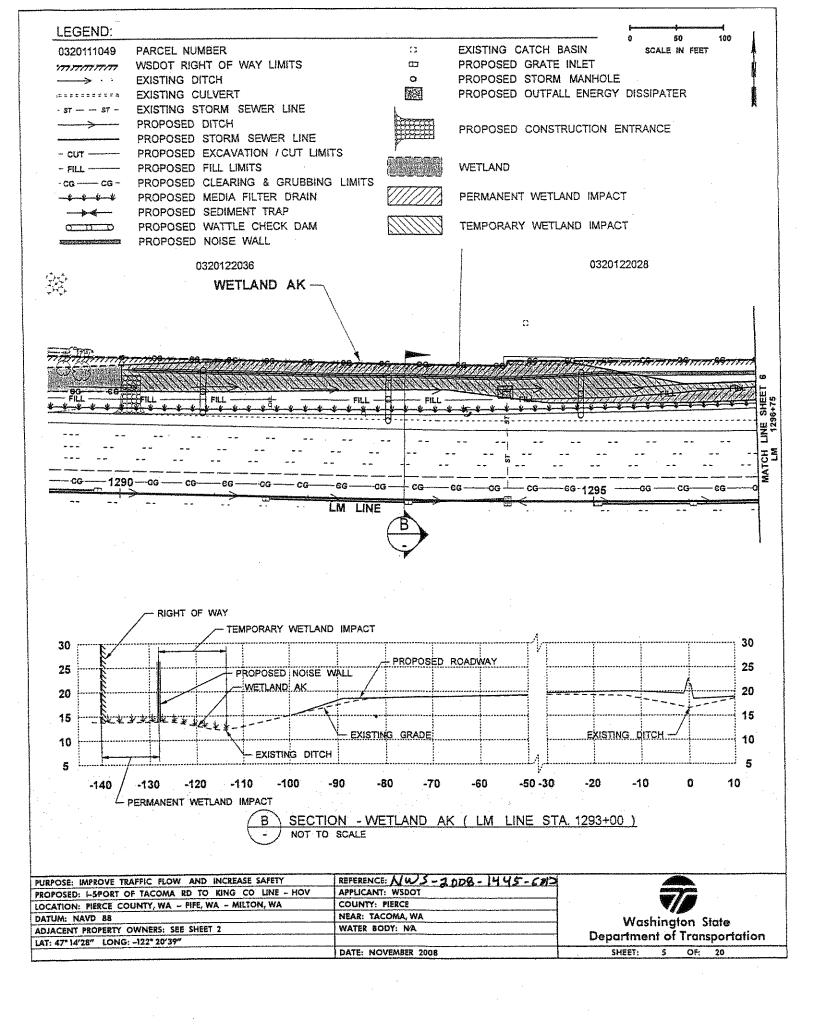


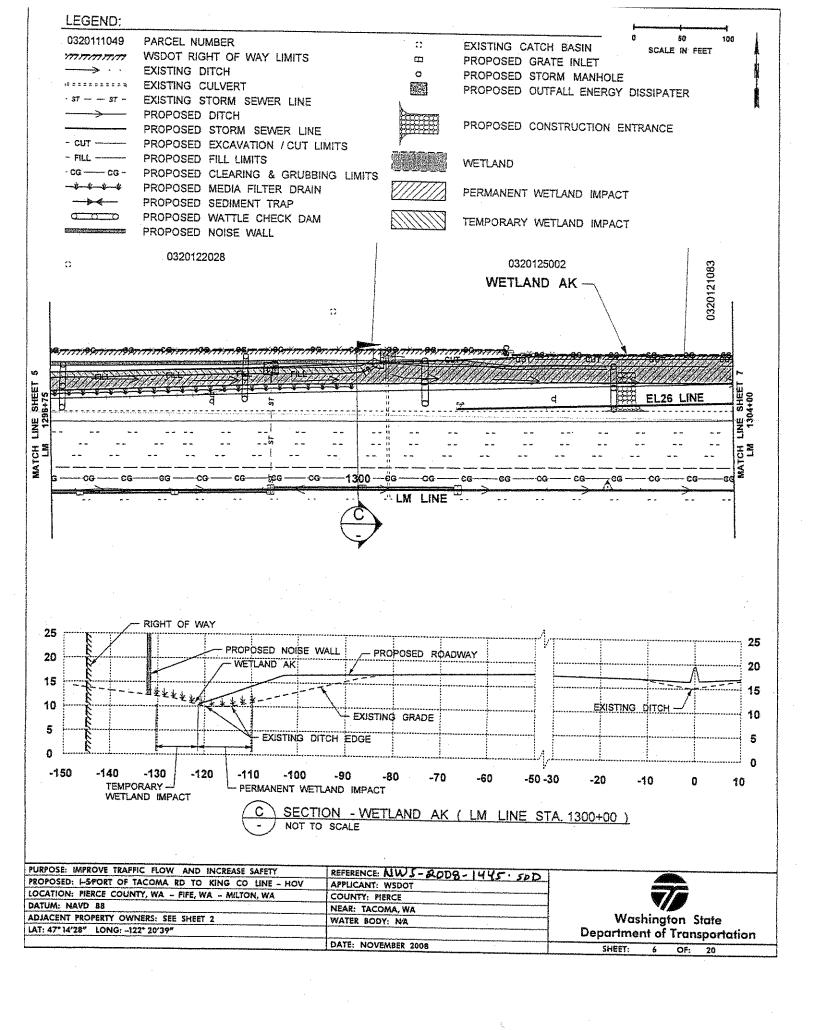
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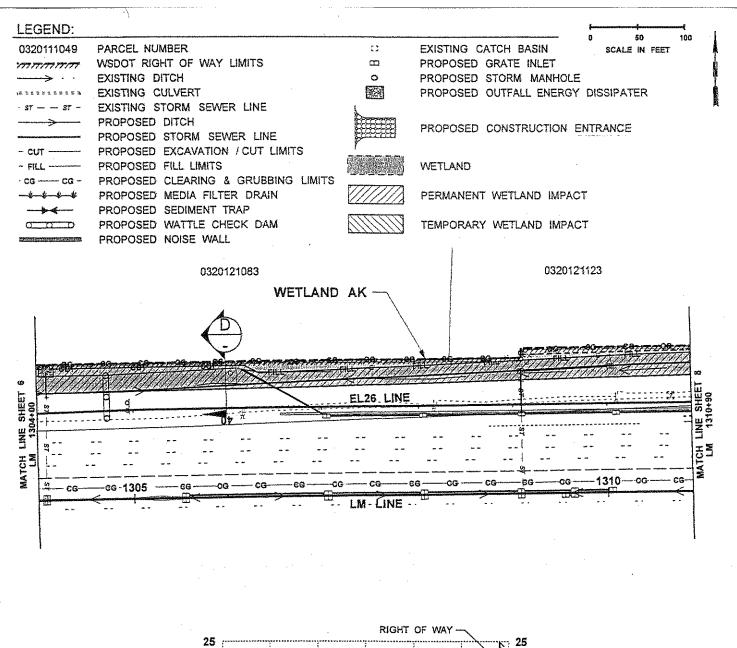
Table 2. Stream and Buffer Impacts						
Stream	Permanent Stream Impact	Temporary Stream impacts	Permanent Stream Buffer impact	Temporary Stream Buffer Impact		
Wapato Creek	None	installation and removal of TESC measures to minimize turbidity during pile installation (June 15 to September 30).	5,564 square feet (0,13 acre) of buffer due to bridge widening.	None		
Surprise Lake Tributary	None	Excavation and grading of approximately 310 linear feet of the west bank of Surprise Lake Tributary. Temporary bypass of stream flow.	3.329 square feet (0.08 acre) of buffer due to construction of maintenance access road.	66,324 square feet (1.52 acres) of buffe		
Hytebos Creek	6 additional plies will displace 5.6 square feet of stream habitat.	installation and removal of TESC measures to minimize turbidity during pile installation (July 15 to August 31).	5,566 square feet (0.15 acre) of buffer due to bridge widening.	None		
West Hylebos Creek	11 additional piles will displace 12.1 square feet of stream habitat.	installation and removal of TESC measures to minimize turbidity during pile installation (July 15 to August 31).	18,087 square feet (0.42 acre) of buffer due to bridge widening.	18,751 square feet (0.43 acre) of total buffer, 9,606 square feet (0.22 acre) of buffer on west side, 9,145 square feet (0.20 acre) of buffer on east side.		
Total	17 additional piles will displace 18.7 square feet of stream habitat.	Installation and removal of TESC measures to minimize turbidity during pile installation at bridge widening sites.	33,545 square feet (0.77 acre) of buffer.	90,779 square feet (2.08 acres) of buffer at Surprise Lake Tributary and West Hylebos Creek.		

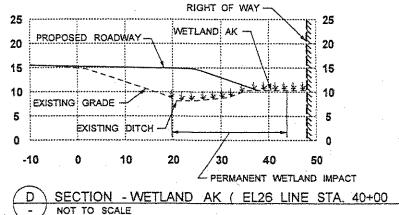
PURPOSE: IMPROVE TRAFFIC FLOW AND INCREASE SAFETY	REFERENCE: NW5-2008-1445-500				
PROPOSED: 1-5-PORT OF TACOMA RD TO KING CO LINE - HOV	APPLICANT: WSDOT	trans A. ann			
LOCATION: PIERCE COUNTY, WA - FIFE, WA - MILTON, WA	<b>7</b> /0				
DATUM: NAVD 88	NEAR: TACOMA, WA	Washington State			
ADJACENT PROPERTY OWNERS: SEE SHEET 2	WATER BODY: N/A				
LAT: 47*14'28" LONG: -122*20'39"		Department of Transportation			
	DATE: NOVEMBER 2008	SHEET: 3 OF: 20			





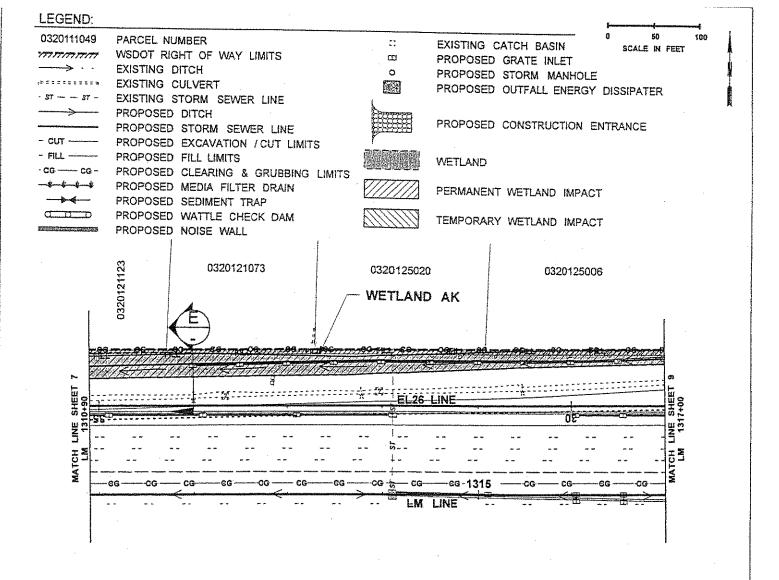


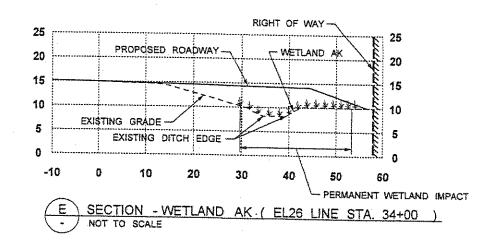




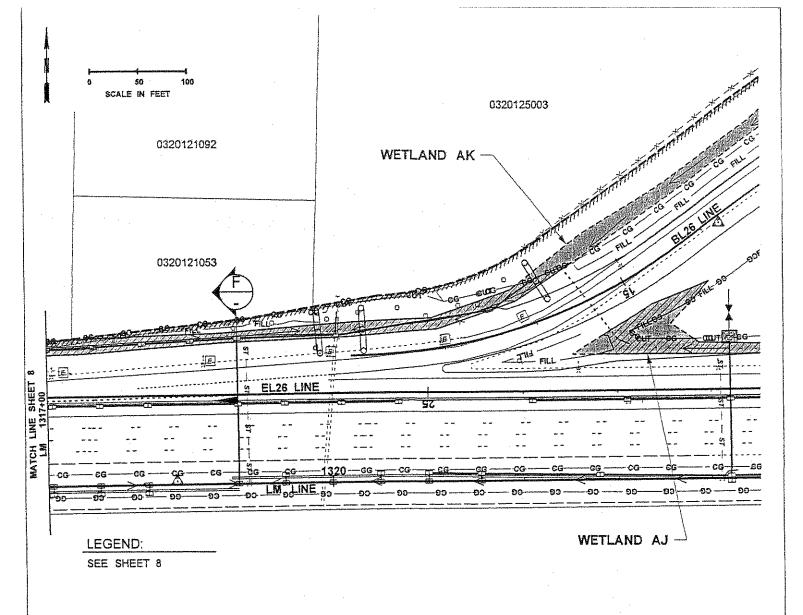
PURPOSE: IMPROVE TRAFFIC FLOW AND INCREASE SAFETY	REFERENCE: NWS - 2008 - 1445 - 500
PROPOSED: 1-5-PORT OF TACOMA RD TO KING CO LINE - HOV	APPLICANT: WSDOT
LOCATION: PIERCE COUNTY, WA - FIFE, WA - MILTON, WA	COUNTY: PIERCE
DATUM: NAVD 68	NEAR: TACOMA, WA
ADJACENT PROPERTY OWNERS: SEE SHEET 2	WATER BODY: NA
LAT: 47° 14'28" LONG: -122° 20'39"	
	DATE: NOVEMBER 2008

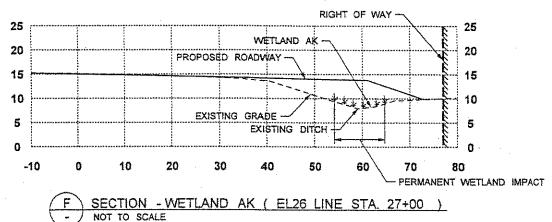




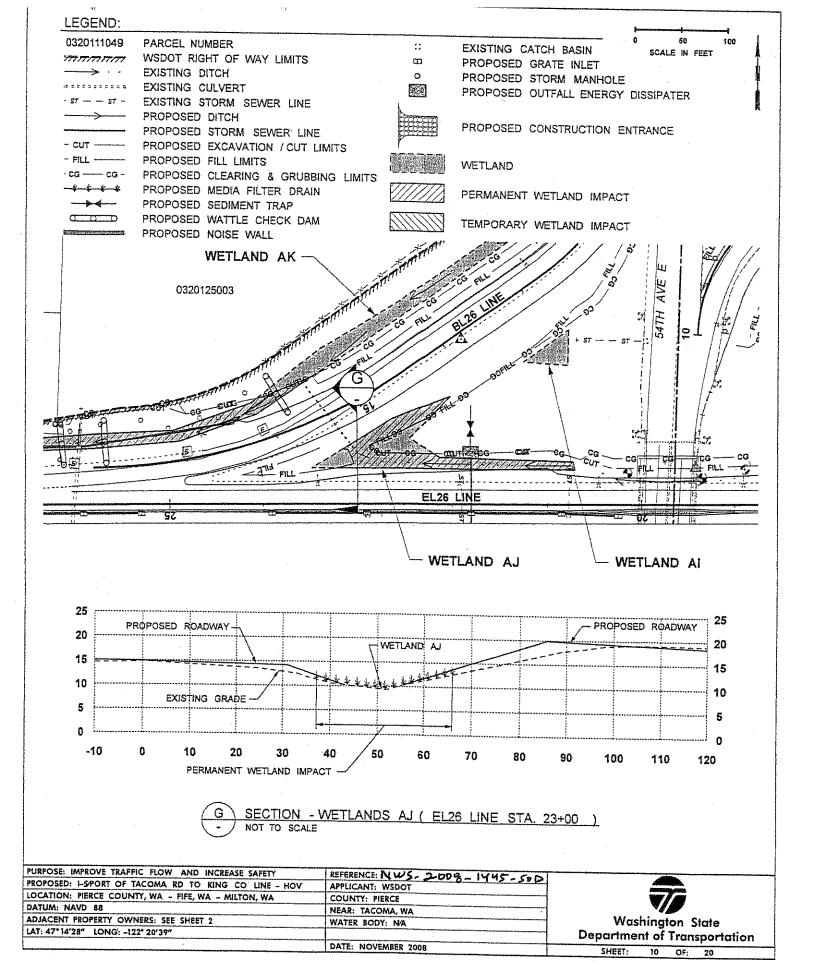


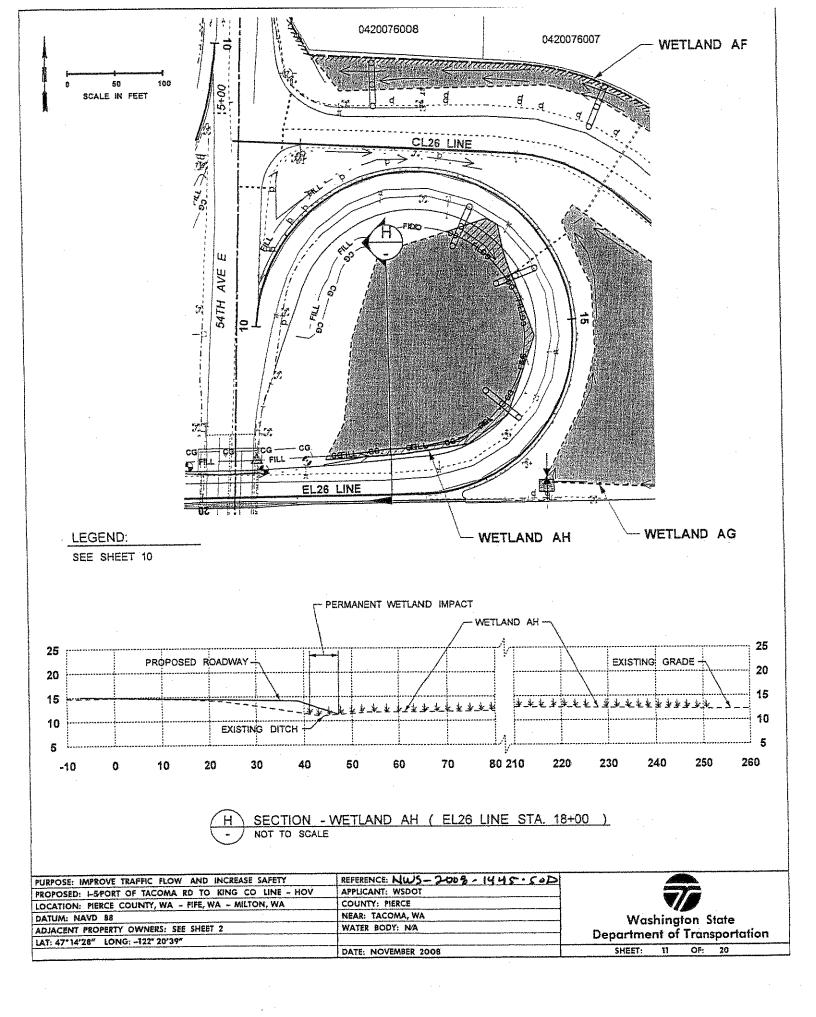
PURPOSE: IMPROVE TRAFFIC FLOW AND INCREASE SAFETY	REFERENCE: NWS-2008-1446-500		
PROPOSED: I-SPORT OF TACOMA RD TO KING CO LINE - HOV	APPLICANT: WSDOT	AND	
LOCATION: PIERCE COUNTY, WA - PIFE, WA - MILTON, WA	COUNTY: PIERCE		
DATUM: NAVD 88	NEAR: TACOMA, WA	4 44	
ADJACENT PROPERTY OWNERS: SEE SHEET 2	WATER BODY: NA	Washington State	
LAT: 47° 14'28" LONG: -122° 20'39"		Department of Transportation	
	DATE: NOVEMBER 2008	SHEET: 8 OF: 20	

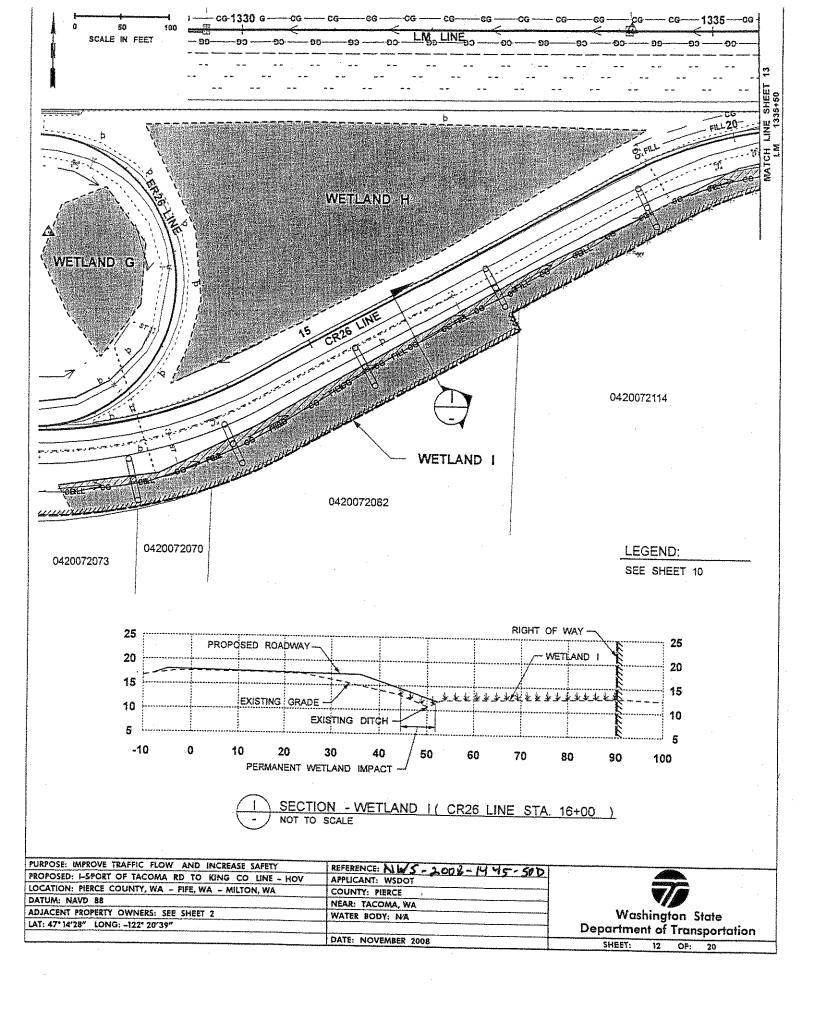


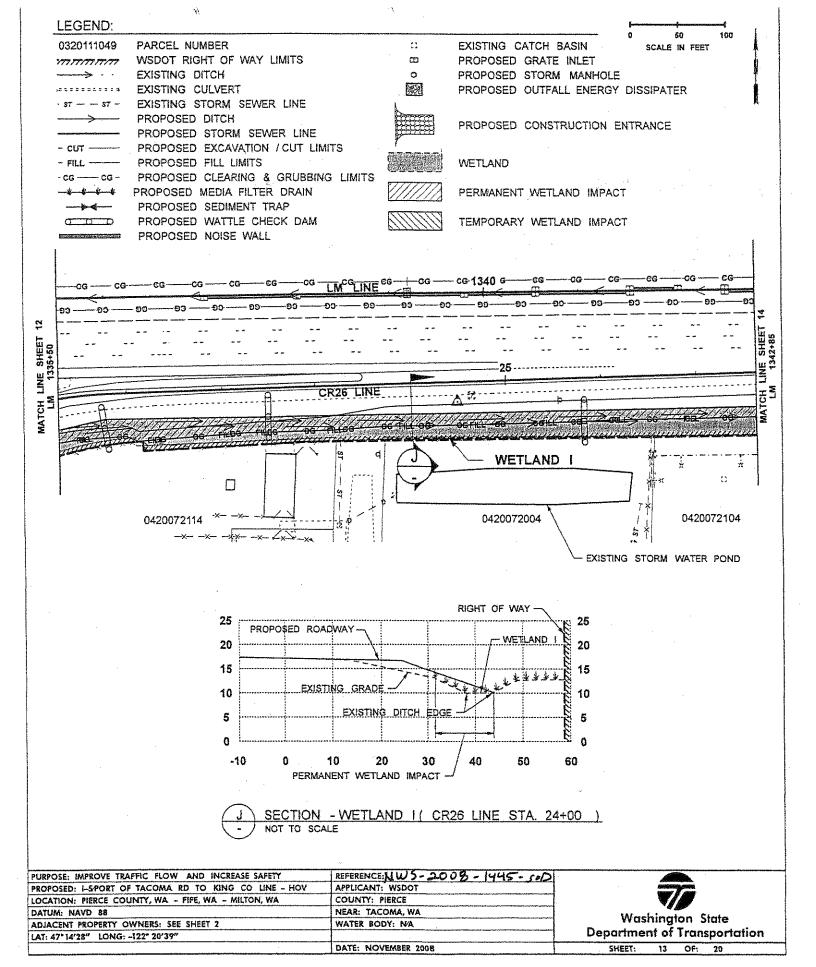


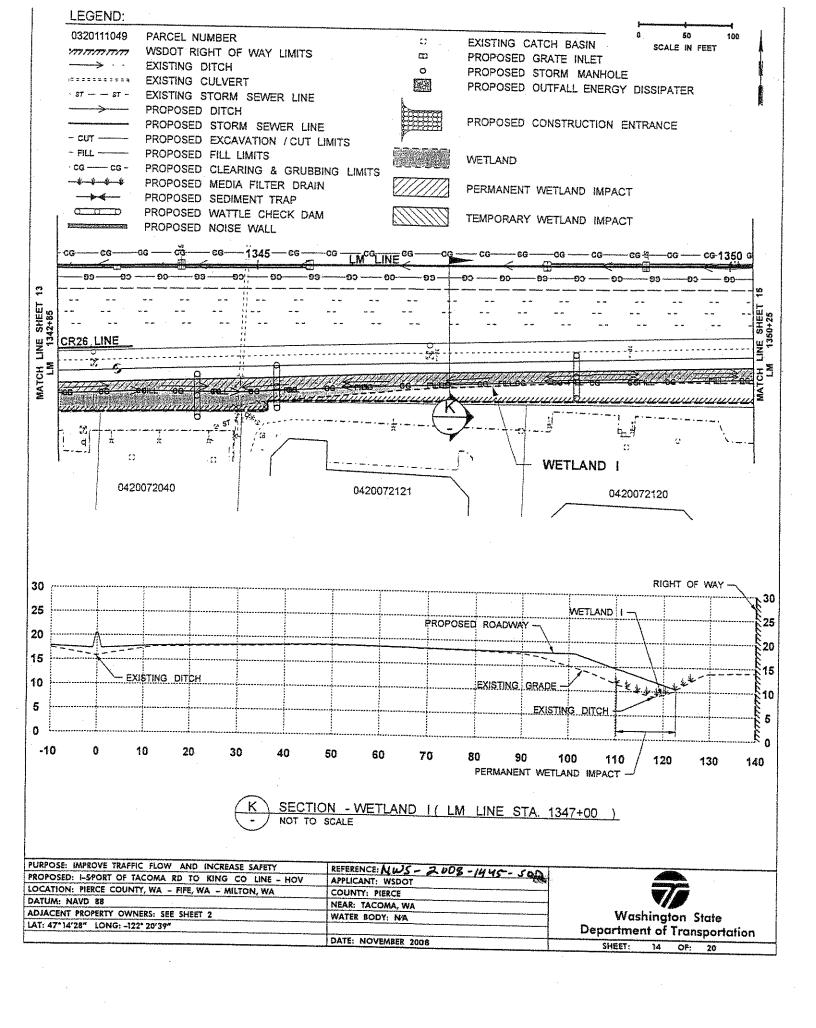
PURPOSE: IMPROVE TRAFFIC FLOW AND INCREASE SAFETY	REFERENCE: NWS-2009-1445-50D			
PROPOSED: 1-5PORT OF TACOMA RD TO KING CO LINE - HOV	APPLICANT: WSDOT			
LOCATION: PIERCE COUNTY, WA - FIFE, WA - MILTON, WA	<b>7</b>			
DATUM: NAVD 88	NEAR: TACOMA, WA			
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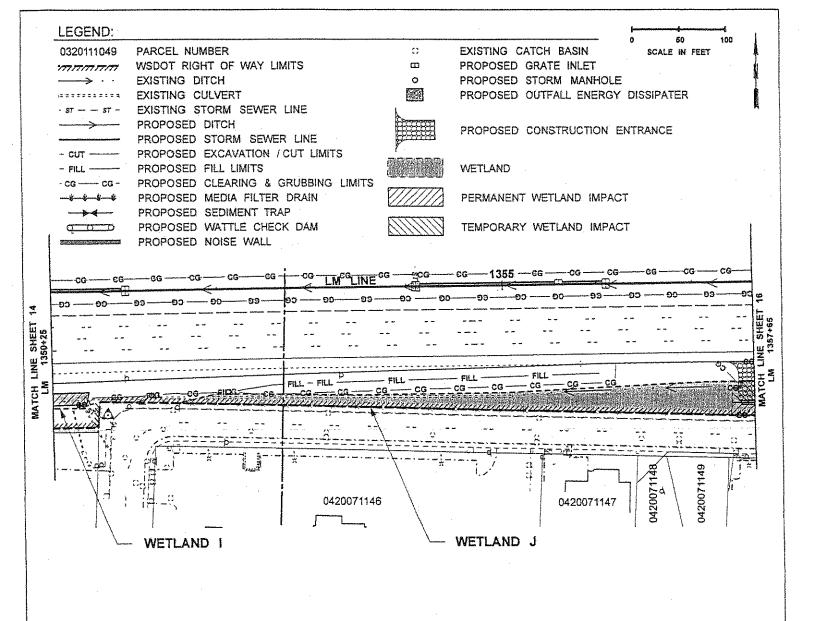




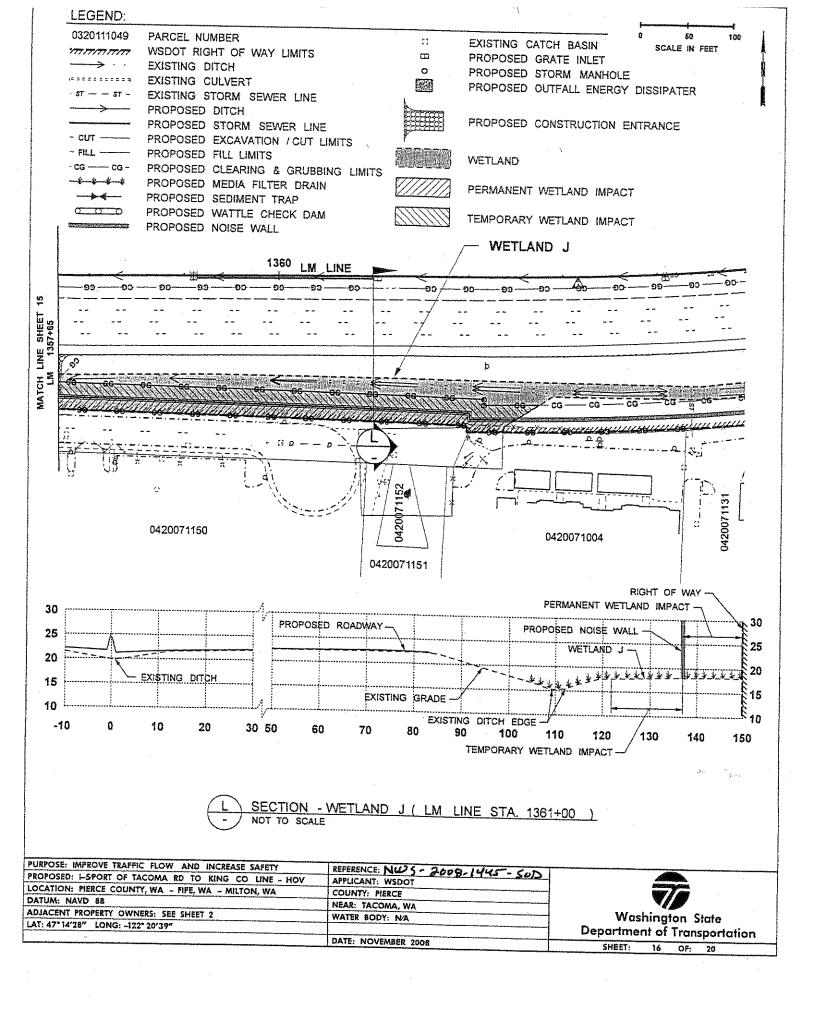


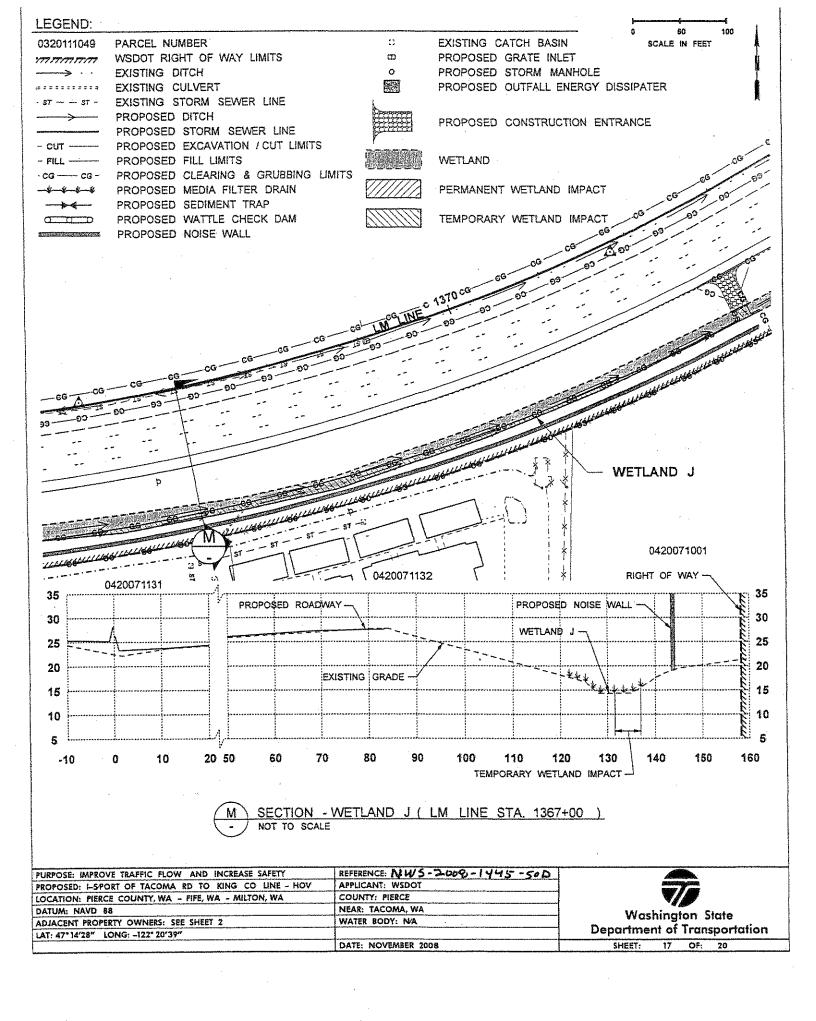


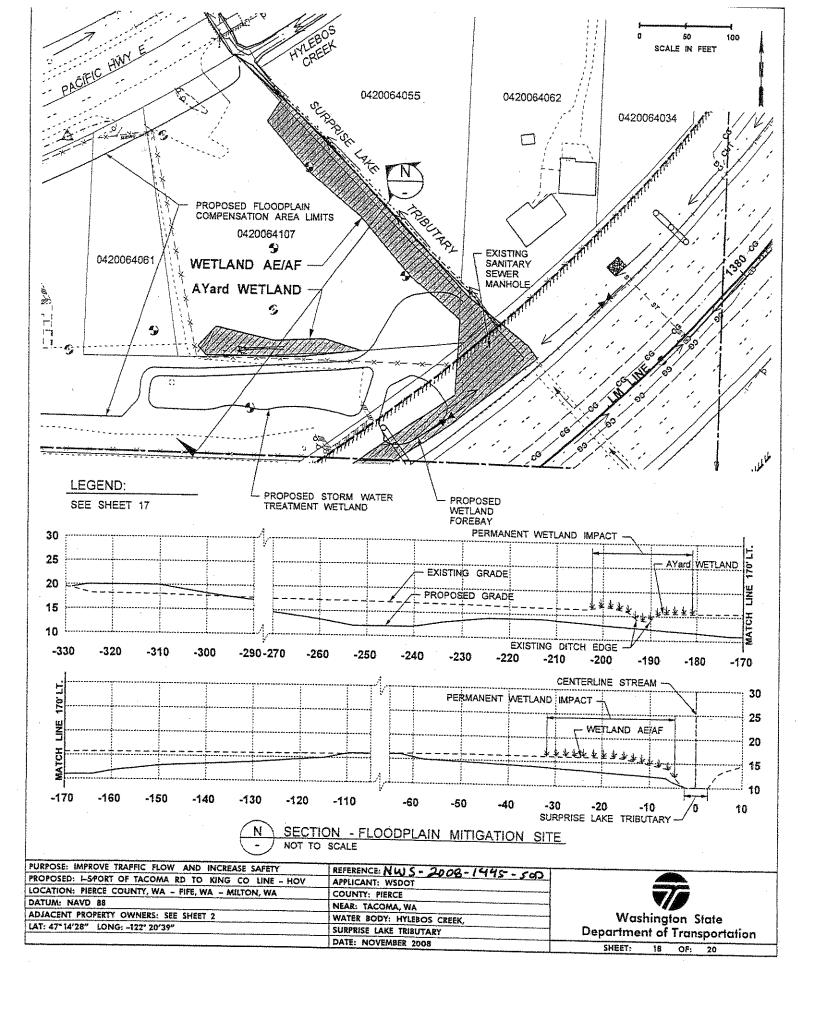


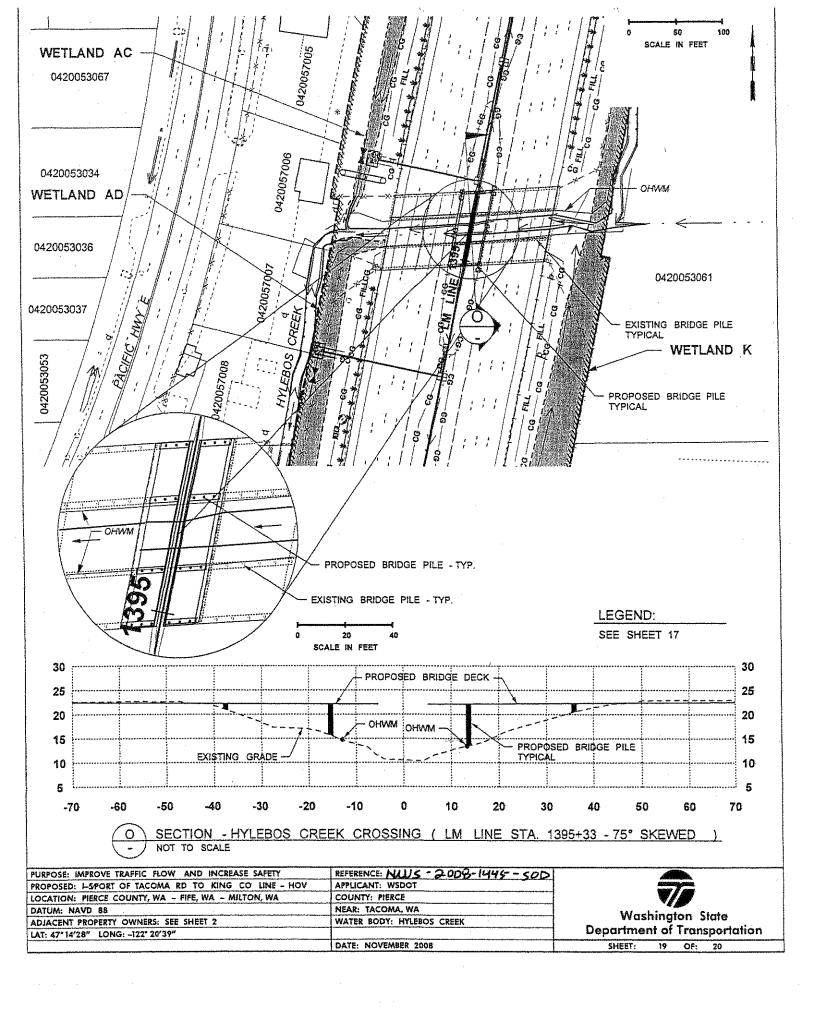


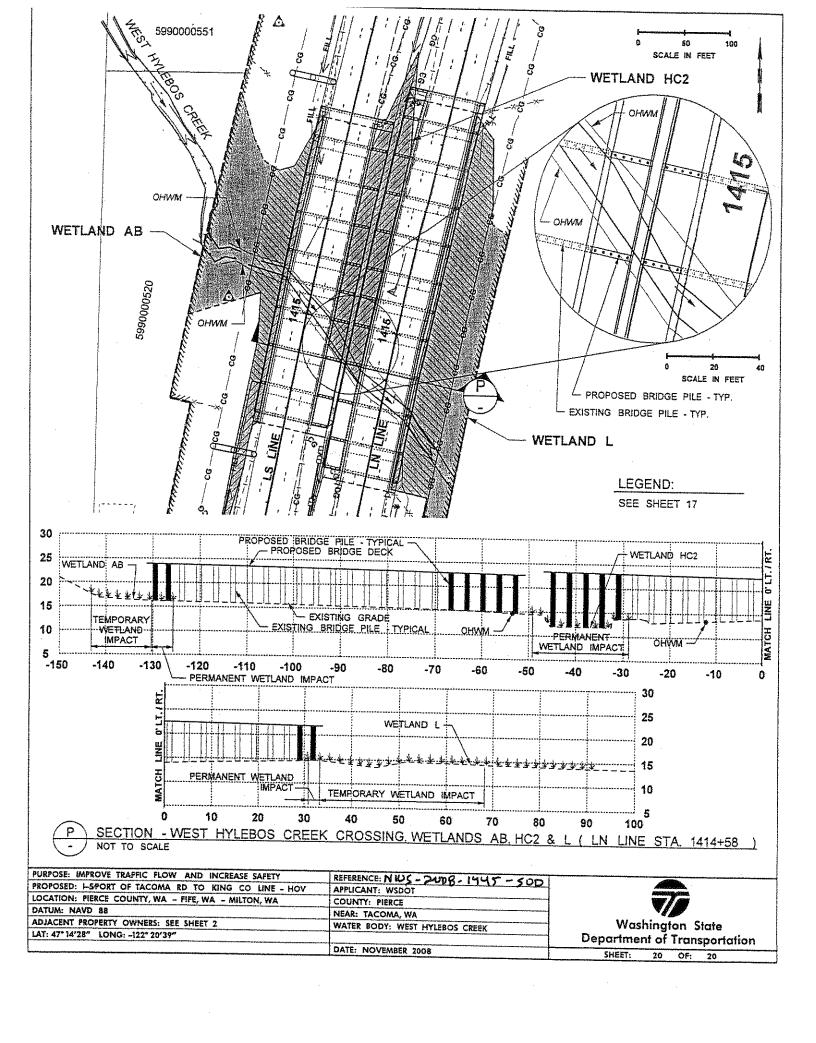
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ADJACENT PROPERTY OWNERS: SEE SHEET 2	WATER BODY: NA	<u> </u>		
LAT: 47*14'28" LONG: -122* 20'39"		Department of Transportation		
	DATE: NOVEMBER 2008	SHEET: 15 OF: 20		











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